

and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 16, 1924, Embry E. Anderson, Memphis, Tenn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12699. Adulteration and misbranding of canned tomatoes. U. S. v. 710 Cases of Canned Tomatoes. Product ordered released under bond to be relabeled. (F. & D. No. 18497. I. S. No. 7500-v. S. No. C-4020.)

On May 29, 1924, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 710 cases of canned tomatoes, at Shreveport, La., alleging that the article had been shipped by White & Nelson, from Port Arthur, Texas, on or about October 22, 1923, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Whi-Nel-Co. Brand Tomatoes * * * Packed By White, Nelson & Co., Hoopersville, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, added puree, pulp, or juice from skins and cores, had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the cases and cans containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On June 16, 1924, White & Nelson, Hoopersville, Md., having appeared as claimants for the property and having admitted the material allegations of the libel, judgment of the court was entered, ordering that the product be released to the claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Tomatoes with Juice From Skins and Cores."

HOWARD M. GORE, *Secretary of Agriculture.*

12700. Adulteration and misbranding of canned oysters. U. S. v. 154 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17379. I. S. No. 5880-v. S. No. C-4001.)

On March 19, 1923, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 154 cases of oysters, remaining in the original unbroken packages at Waco, Texas, alleging that the article had been shipped by J. Langrall & Bro., Inc., from Baltimore, Md., December 13, 1922, and transported from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Maryland Chief Brand Baltimore Cove Oysters Contents 5 Ounces Packed By J. Langrall & Bro., Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower its strength and injuriously affect its quality.

Misbranding was alleged for the reason that the statement on the labels of the cans containing the article, "Contents 5 Ounces," together with the design showing freshly opened oysters, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1924, the Cooper Grocery Co., Waco, Texas, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be relabeled to show that the contents of the said cans did not exceed $4\frac{1}{4}$ ounces of oyster meat.

HOWARD M. GORE, *Secretary of Agriculture.*